

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

**Proposed
Order of Restitution**

22 Cr. 261 (JMF)

FRANK FILIMAUA,

Defendant

Upon the application of the United States of America, by its attorney, Matthew Podolsky, Acting United States Attorney for the Southern District of New York, Danielle Kudla, Kevin Mead, Qais Ghafary, Assistant United States Attorneys, of counsel; the presentence investigation report; the defendant's conviction on Counts One through Five of the Information, 22 Cr. 261, and Count One of the Superseding Information, S3 22 Cr. 261; and all other proceedings in this case, it is hereby ORDERED that:

1. Amount of Restitution

Frank Filimaua, the defendant, shall pay restitution in the total amount of \$27,966,035, pursuant to 18 U.S.C. § 3663; 18 U.S.C. § 3663A, to Polar Air Cargo Worldwide, Inc. ("Polar"), and \$1,137,982.26 pursuant to 18 U.S.C. § 3663; 18 U.S.C. § 3663A, to the U.S. Internal Revenue Service ("IRS"), the victims of the offenses charged in Counts One through Five of the Information. The address of Polar and the IRS is set forth in the Schedule of Victims, attached hereto as Schedule A. Upon advice by the United States Attorney's Office of a change of address of a victim, the Clerk of Court is authorized to send payments to the new address without further order of this Court.

A. Joint and Several Liability

Restitution is joint and several with the following defendants in *United States v. Winkelbauer et al.*, 23 Cr. 133 (JMF), in the amounts set forth below:

Amount	Loss Attributable to Vendor/Customer	Joint and Several Liability With
\$305,800	A-1 Handling LLC	Winkelbauer, Kurien, Filimaua, Llewellyn
\$7,245,548	Griffin LLC	Winkelbauer, Kurien, Betenia, Filimaua, Wei
\$1,390,000	Sky X Airlines LLC	Winkelbauer, Kurien, Filimaua
\$9,946,506	Able Freight Service LLC	Winkelbauer, Wong and Filimaua
\$6,108,849	Cargo on Demand, Inc.	Winkelbauer, Kurien, Lau, Schirmer, Lopez, and Filimaua
\$2,969,332	Fato LLC	Winkelbauer, Kurien, Lopez, Schirmer, and Filimaua

The defendant's liability to pay restitution shall continue unabated until either the defendant has paid the full amount of restitution ordered herein, or every victim in Schedule A has recovered the total amount of each loss from the restitution paid by the defendant and all co-defendants ordered to pay the same victims.

2. Schedule of Payments

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the defendant, including whether any of these assets are jointly controlled; projected earnings and other income of the defendant; and any financial obligations of the defendant; including obligations to dependents, the defendant shall pay restitution in the manner and according to the schedule that follows:

In the interest of justice, restitution will be payable in installments pursuant to 18 U.S.C. § 3572(d)(1) and (2). The defendant will immediately commence monthly installment payments of at least 10 percent of the defendant's gross income, payable on the fifteenth day of each month. This schedule is without prejudice to the Government taking enforcement actions, pursuant to 18 U.S.C. § 3613, to the extent warranted.

3. Payment Instructions

The defendant shall make restitution payments by certified check, money order, or online. Instructions for online criminal debt payments are available on the Clerk of Court's website at <https://nysd.uscourts.gov/payment-information#PaymentofCriminalDebt>. Checks and money orders shall be made payable to the "SDNY Clerk of Court" and mailed or delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The defendant shall write his/her name and the docket number of this case on each check or money order.

4. Change in Circumstances

The defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney's Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Program) of (1) any change of the defendant's name, residence, or mailing address or (2) any material change in the defendant's financial resources that affects the defendant's ability to pay restitution in accordance with 18 U.S.C. § 3664(k).

5. Term of Liability

The defendant's liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the defendant's release from imprisonment, as

provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the defendant, the defendant's estate will be held responsible for any unpaid balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: /s/
Danielle Kudla, Kevin Mead, Qais Ghafary
26 Federal Plaza, 37th Fl.
New York, New York 10007
Tel.: (212) 637-6521

3/16/25
DATE

FRANK FILIMAUA

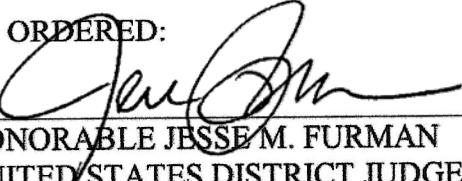
By: 
Frank Filimaua

March 17th, 2025
DATE

By: 
Jonathan Rosen, Esq.
Potomac Law Group

3/20/25
DATE

SO ORDERED:


HONORABLE JESSE M. FURMAN
UNITED STATES DISTRICT JUDGE

4/9/25
DATE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:
	:
- v. -	:
FRANK FILIMAUA,	:
	:
Defendant.	:
	:
	----- X -----

Schedule A

22 Cr. 261 (JMF)

Victim and Contact Information	Amount
Polar Air Cargo Worldwide, Inc. c/o Cravath, Swaine & Moore LLP Attn.: Lindsay Timlin, Esq., Two Manhattan West, 375 Ninth Avenue New York, NY 10001	\$27,966,035
IRS - RACS Attn: Mail Stop 6261, Restitution 333 W. Pershing Ave. Kansas City, MO 64108	\$1,137,982.26
With each payment to the IRS, Defendant will provide the following information: <ul style="list-style-type: none"> ▪ Defendant's name and Social Security number; ▪ The District Court and the docket number assigned to this case; ▪ Tax year(s) or period(s) for which restitution has been ordered; and ▪ A statement that the payment is being submitted pursuant to the District Court's restitution order. 	